

106TH CONGRESS
1ST SESSION

H. R. 2382

To promote the improvement of information on, and protections against,
child sexual abuse.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1999

Mr. NEY (for himself and Mr. OXLEY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote the improvement of information on, and
protections against, child sexual abuse.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Abuse Reform
5 and Enforcement Act of 1999” or “CARE Act of 1999”.

1 **TITLE I—WITHHOLDING AND RE-**
2 **DISTRIBUTION OF CERTAIN**
3 **STATE CHILD PROTECTION**
4 **FUNDS**

5 **SEC. 101. WITHHOLDING AND REDISTRIBUTION OF STATE**
6 **FUNDS.**

7 (a) CHILD ABUSE PREVENTION AND TREATMENT
8 ACT.—Beginning 1 year after the date of the enactment
9 of this Act, the Secretary of Health and Human Services
10 shall reduce, by 25 percent, the allocation to a State for
11 a fiscal year under title I of the Child Abuse Prevention
12 and Treatment Act of 1974 that does not meet each of
13 the requirements of title II of this Act.

14 (b) NATIONAL CHILD PROTECTION ACT OF 1993.—
15 Beginning 1 year after the date of the enactment of this
16 Act, the Attorney General shall reduce, by 25 percent,
17 amounts under a grant under section 4(b) of the National
18 Child Protection Act of 1993 to a State for a fiscal year
19 that does not meet each of the requirements of title II
20 of this Act.

21 (c) REDISTRIBUTION OF FUNDS.—The Attorney
22 General shall, using funds withheld under this section and
23 amounts appropriated under section 102, provide grants
24 to States that meet the requirements of title II of this
25 Act. A grant made under this subsection shall be used—

1 (1) for the computerization of data and crimi-
 2 nal history files for purposes of title II of this Act;

3 (2) for the improvement of existing data and
 4 computerized criminal history files for purposes of
 5 title II of this Act; and

6 (3) to assist the State in the transmittal of data
 7 and criminal records to, or the indexing of data and
 8 criminal history record in, the national data and
 9 criminal history systems for purposes of title II of
 10 this Act.

11 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR ADDI-**
 12 **TIONAL FUNDING GRANTS FOR THE IM-**
 13 **PROVEMENT OF CHILD ABUSE CRIME INFOR-**
 14 **MATION.**

15 There are authorized to be appropriated for addi-
 16 tional grants under section 101(c) \$50,000,000 for each
 17 of the fiscal years 2000 through 2003.

18 **TITLE II—CHILD SEXUAL ABUSE**
 19 **PROTECTION AND SEN-**
 20 **TENCING REFORM**

21 **SEC. 201. REQUIREMENT TO EQUALIZE SENTENCING RE-**
 22 **QUIREMENTS FOR INTRAFAMILIAL AND**
 23 **EXTRAFAMILIAL CHILD SEXUAL ABUSE.**

24 (a) STATE STUDY OF LAWS REGARDING
 25 INTRAFAMILIAL AND EXTRAFAMILIAL CHILD SEXUAL

1 ABUSE.—A State meets the requirements of this sub-
2 section if, not later than 1 year after the date of enact-
3 ment of this Act, the State—

4 (1) has studied the laws in the State that apply
5 to intrafamilial and extrafamilial sexual abuse of
6 children; and

7 (2) has examined, at a minimum—

8 (A) issues concerning differences in laws
9 applicable to intrafamilial and extrafamilial
10 child sexual abuse;

11 (B) issues concerning disparities in charg-
12 ing and sentencing perpetrators of child sexual
13 abuse, resulting from differences in applicable
14 laws; and

15 (C) issues concerning legislative actions
16 necessary to equalize charging and sentencing
17 of perpetrators of sexual abuse without regard
18 to familial relationship of perpetrator to child
19 victim.

20 (b) REPORT TO THE ATTORNEY GENERAL.—A State
21 meets the requirements of this subsection if the State sub-
22 mits to the Attorney General a report that contains the
23 results of the study conducted under subsection (a).

24 (c) LEGISLATIVE ACTIONS TO EQUALIZE SEN-
25 TENCING REQUIREMENTS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), a State meets the requirements of this
3 subsection if, not later than 1 year after the date of
4 enactment of this Act, the State has implemented
5 legislative actions necessary to equalize charging and
6 sentencing of perpetrators of sexual abuse without
7 regard to familial relationship of perpetrator to child
8 victim.

9 (2) EXCEPTION.—The Attorney General may
10 provide for an extension of the 1-year time require-
11 ment in paragraph (1) for any State if the Attorney
12 General determines that State legislation (other than
13 legislation appropriating funds) is required to meet
14 the additional requirements imposed by this Act.

15 **SEC. 202. REQUIREMENT TO GATHER INFORMATION ON**
16 **SEXUAL ABUSE OF CHILDREN.**

17 A State meets the requirements of this section if the
18 State—

19 (1) compiles and analyzes data relating to
20 intrafamilial and extrafamilial sexual abuse of chil-
21 dren;

22 (2) promotes regulations requiring the gath-
23 ering of such data by State courts and State agen-
24 cies for compilation and analysis purposes;

1 (3) provides, on an annual basis, to the Attor-
2 ney General, the Secretary of Health and Human
3 Services, and the Bureau of Justice Statistics a re-
4 port containing the data referred to in paragraph
5 (1) and a description of the regulations referred to
6 in paragraph (2).

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